

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

No. 20-1442V

UNPUBLISHED

DOMINIQUE ROBERTS,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: January 19, 2022

Special Processing Unit (SPU);  
Ruling on Entitlement; Concession;  
Table Injury; Human Papillomavirus  
(HPV); Shoulder Injury Related to  
Vaccine Administration (SIRVA).

*Jessica Olins, Maglio Christopher & Toale, PA, Washington, DC, for Petitioner.*

*Claudia Barnes Gangi, U.S. Department of Justice, Washington, DC, for Respondent.*

### **RULING ON ENTITLEMENT**<sup>1</sup>

On October 22, 2020, Dominique Roberts filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*<sup>2</sup> (the “Vaccine Act”). Petitioner alleges that she experienced a shoulder injury related to vaccine administration (“SIRVA”) as a result of the administration of a human papillomavirus (“HPV”) vaccine on January 19, 2018. Petition at Preamble. Petitioner further alleges that she received the vaccine in the United States, that she suffered the residual effects of her injury for more than six months, and that neither she nor any other party has filed a civil action or received compensation for his injury. Petition at 1, ¶¶ 2, 11-12. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On January 18, 2022, Respondent filed a combined Rule 4(c) Report and Proffer in which he concedes that Petitioner is entitled to compensation in this case. Rule 4(c)

<sup>1</sup> Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

<sup>2</sup> National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

Report and Proffer (ECF No. 20). Specifically, the records show that Petitioner had no history of pain, inflammation, or dysfunction of her right shoulder; Petitioner's pain occurred within 48 hours after receipt of an intramuscular vaccination; Petitioner's pain was limited to the shoulder in which the vaccine was administered; and no other condition or abnormality has been identified to explain Petitioner's shoulder pain. *Id.* at 4. Respondent further agrees that the statutory six-month sequela requirement has been satisfied. *Id.*

**In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.**

**IT IS SO ORDERED.**

**s/Brian H. Corcoran**

Brian H. Corcoran  
Chief Special Master